

**IN THE UNITED STATES DISTRICT COURT  
IN THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

FILED BY *[Signature]*  
05 MAY 27 AM 9:35  
ROBERT R. DI TROLIO  
CLERK OF U.S. DIST. CT.  
WD OF TN-JACKSON

**PHYLLIS FOWLKES,**

**Plaintiff,**

**v.**

**Case No. 04-2964-DV T/Ah**

**PRUDENTIAL INSURANCE COMPANY )  
OF AMERICA d/b/a PRUDENTIAL )  
FINANCIAL and COLONIAL )  
DIVERSIFIED POLYMER PRODUCTS, )  
LLC, )**

**Defendants.**

**AGREED SCHEDULING ORDER**

The parties have agreed, and it appears to the Court, that this is an action seeking benefits under the provisions of an employee benefit plan pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 ("ERISA"). *Baptist Healthcare v. Wilkins*, 150 F.3d 609, (6<sup>th</sup> Cir. 1998), sets out procedures applicable in claims for benefits under ERISA, whereby the Court neither holds a trial or decides the case on motions for summary judgment but, rather, on motions for judgment on the record. *Id.* at 619. Pursuant to Rule 16(b) of the Federal Rules of Civil Procedures, and the Court of Appeals' guidelines set out in *Wilkins*, the Court hereby sets the following deadlines:

1. The defendants shall serve a copy of the administrative record with the Court, and supply a copy of same with opposing counsel, no later than May 2, 2005.
2. The plaintiff shall have until May 20, 2005, to notify the Court of any objections to the administrative record should the parties have any dispute as to whether the record is complete.

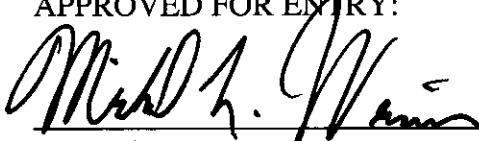
3. The parties shall file cross-motions for judgment on the record no later than July 22, 2005.

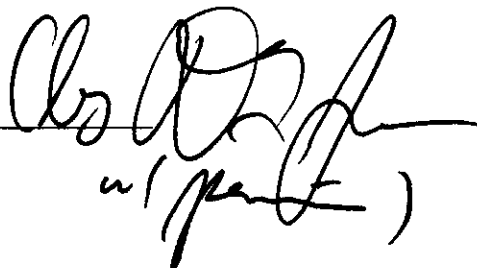
4. The parties shall file responses to the other party's motion no later than August 26, 2005.

It is so ORDERED.


  
JUDGE

APPROVED FOR ENTRY:

  
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Honorable James Todd  
US DISTRICT COURT